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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/701,413 | 10/30/2003 | Kathleen A. Fallis | 83197 | 5880 |

7590 03/22/2005

NAVAL AIR WARFARE CENTER WEAPONS DIVISION
Code K00000D
1 ADMINISTRATION CIRCLE STOP 1009
RIDGECREST, CA 93555-6100

| | |
|-------------------|--------------|
| EXAMINER | |
| HRUSKOCI, PETER A | |
| ART UNIT | PAPER NUMBER |
| 1724 | |

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,413

Applicant(s)

FALLIS, KATHLEEN A.

Examiner

Peter A. Hruskoci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a method of removing organolead compounds from aqueous compositions, classified in class 210, subclass 665.
- II. Claims 11-20, drawn to drawn to a method of removing organolead compounds from fuel compositions, classified in class 44, subclass 454.

The inventions are distinct, each from the other because of the following reasons:

The method of Group I does not require the "fuel compositions" of Group II, and the method of Group II does not require the "aqueous compositions" of Group I.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Charlene A. Haley on 3/15/05 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collier 3,308,061 in view of Otto 4,070,282. Collier et al. disclose (see col. 2 line 12 through

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col. 4 line 31) disclose a method of removing organolead from an aqueous effluent or composition substantially as claimed. It would appear the ozone contacting step of Collier would produce insoluble lead oxide polymers in the precipitate as in the instant method. The claims differ from Collier by reciting that the aqueous composition is contacted through activated carbon to remove the polymers. Otto disclose (see col. 2 line 45 through col. 6 line 6 line 66) that it is known in the art to remove organolead compounds from an aqueous composition, by passing the aqueous composition through a bed of activated carbon. It would have been obvious to one skilled in the art to modify the method of Collier by contacting the aqueous composition through activated carbon in view of the teachings of Otto, to aid in removing organolead and lead oxide polymers from the aqueous composition. The specific ozonating time, organolead reduction, and ozone exposure utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific aqueous composition treated and results desired, absent a sufficient showing of unexpected results.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collier 3,308,061 in view of Otto 4,070,282 as above, and further in view of Holler 5,082,568. The claims differ from the references as applied above by reciting that the filtering means include filters having a specific porosity range. Holler disclose (see col. 4 line 34 through col. 6 line 59) that it is known in the art to remove lead compounds from water, by passing the water through a filter module having a porosity within the recited range. It would have been obvious to one skilled in the art to modify the references as applied above by utilizing the recited filtering means in view of the teachings of Holler, to aid in removing lead compounds from the aqueous composition. The specific porosity utilized, would have been an obvious matter of process optimization to one

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skilled in the art, depending on the specific aqueous composition treated and results desired, absent a sufficient showing of unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

3/17/05